

Solid Waste Interpretive Guidance Statement (SWIGS)

revised: 03/2003

The contents of this guidance are applicable only to solid waste landfills or solid waste disposal units that closed after December 21, 1988.

This guidance does not address, or apply to, the issue of mining solid waste from closed landfills.

ACTIVITIES ON CLOSED LANDFILLS

The VSWMR are not applicable to units or facilities that properly closed prior to December 21, 1988 unless releases from those facilities cause the site to be classified as an open dump, a hazard, or a nuisance, or improper waste management has occurred at the site which is dangerous to public health, safety, and/or the environment. As long as the landfill is not subject to the VSWMR, activities can occur on those landfills without involvement from the DEQ Solid Waste Programs. However, solid waste that is removed from those sites (i.e., excavated from a cell) or otherwise actively managed at the site is subject to the VSWMR and must be properly managed (i.e., disposed, reused, recycled, etc.) in accordance with the VSWMR.

For the purposes of this SWIGS, a **closed landfill**≡ is a landfill that properly closed in accordance with the applicable closure requirements of the VSWMR.

For the purposes of this SWIGS, **removal of waste**≡ from a closed landfill is considered an act of mining solid waste.

Note: Activities on closed landfills are always subject to all other applicable local, state, or federal ordinances, statutes, etc., regardless if the facility is subject to the VSWMR or not.

Note: Open burning is prohibited at CDD landfills. Open burning can be allowed on closed Sanitary and Industrial landfills on areas where solid waste has not been disposed provided other applicable conditions are met. (See memo - Burning of Solid Waste at Closed Landfills October 5, 1993, Ulysses Brown).

The VSWMR does not specifically prohibit many activities, including construction and development, from occurring on a landfill that properly closed. During the post-closure period, activities can occur on a properly closed landfill, provided:

- X the activity is not specifically prohibited under the VSWMR,
- X the facility has an adequate post-closure plan, in accordance with the VSWMR, which specifically includes a description of the activities planned and occurring on the landfill during the post-closure period. (Note: An activity cannot occur on a closed landfill unless appropriately addressed in the post-closure plan for the facility.),
- X the activity does not disturb the **Aintegrity**≡ (i.e., performance/effectiveness/soundness) of the final cover, liner(s), or any other components of the containment system, unless necessary to comply with the requirements of the VSWMR,
- X the activity does not disturb the function of the monitoring systems, unless necessary to comply with the requirements of the VSWMR,

and

- X the owner or operator demonstrates that any activity that will disturb the final cover, liner(s), or any other components of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment and/or increase the relative risk associated with the site, and the Director, or his designee, specifically approves of this disturbance.

To ensure that the **Aintegrity**≡ of the final cover, liner(s), or any other components of the containment system, or the function of the monitoring systems are maintained at all times, construction, and other disturbances that occur on the landfill during its post-closure period, should only be conducted in a manner that minimizes the disturbance of the waste and maintains a positive drainage of storm

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water away from the fill area (i.e., prevents the infiltration of surface water (or other liquids) into the waste). Possible practices that would minimize the disturbance of the final cover and not disturb the integrity of the containment systems would be to place any structures on concrete pads or to place additional soil fill in areas where excavation is necessary. If the final cover is to be disturbed, the disturbance must be immediately corrected in a manner that results in a final cover with a hydraulic conductivity less than or equal to the original final cover. (For example, a trench can be dug in the erosion layer to lay telephone cable that would lie between the infiltration layer and the erosion layer. This disturbance would be allowable provided the erosion layer is immediately repaired by covering the trench with soil or other suitable cover (i.e., asphalt) of equal thickness (to prevent ponding) that does not have a greater permeability than the erosion layer).

Activities that penetrate into the waste (e.g., placing footers for a building, etc.) will, at least temporarily, disturb the integrity of the final cover system, and have a high potential of permanently disturbing the integrity of the containment system, if not properly handled. Activities that require disturbance of the waste can be allowed provided; (1) the waste and any receptors will not be adversely impacted; (2) the integrity of the final cover system is fully restored to at least its original condition immediately upon completion of the activity which caused the disturbance. The time allowed for the activity should be kept as short as practical. During these activities, the area of waste that can be exposed to the atmosphere should be maintained as small as practical. Disturbed waste and areas immediately surrounding the disturbance, should be covered with effective protection at all times during the activity such that no surface water (or other liquids) or other unwanted materials can enter into, or otherwise adversely impact, the waste unit and/or landfill, and such that no waste, or other unwanted materials, inadvertently leave the area and adversely impact human health and the environment.

Additionally, any proposed structures that will be placed on the property should be designed to prevent the accumulation of methane gas and include a plan for monitoring methane in the structures.

Note: Construction activities on a closed landfill would be considered a major amendment and are subject to the requirements for a major amendment under VSWMR 9 VAC 20-80-620 F 3
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After the post-closure period has ended, activities can occur on a closed landfill provided the landfill has an appropriate notation on the deed to the facility property, or on some other instrument which is normally examined during title searches, notifying that the land has been used to manage solid waste and that its use is restricted, and provided the activity is conducted in accordance with all other applicable ordinances, regulations, statutes, etc.